

For the Western District of Texas
Midland Division

NOV - 9 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

Darrel Sha'Marr Green
(Movant)

Case NO. 7:16-cr-00128-DC(11)

V.

United States of America
(Respondent)

Motion to Reduce Sentence

Present To

18 U.S.C. § 3582(c)(1)(A)(i)

The defendant, Darrel Green, respectfully moves this Court pursuant to the newly-amended 18 U.S.C. § 3582(c)(1)(A)(i) for an order reducing his sentence to time served based on Extraordinary and Compelling Circumstances due to the infectious contagion of the Covid-19 pandemic. Darrel Green is an African American male is consider in the high Risk category and due to his obesity (according to the Bmi is another strike against him according to CDC guidelines). As a consequence, Darrel Green satisfies the "Extraordinary and Compelling Reasons" standard under § 3582(c)(1)(A)(i), as elaborated by the Sentencing Commission in U.S.S.G. § 1B1.13. After considering the applicable factors set forth in 18 U.S.C. § 3553(a), we respectfully request that the Court reduce Darrel Green sentence to time served and modify the terms of supervised release to accommodate his probation-~~release~~ release plan.

Jurisdiction

On December 21, 2018, the President signed the First Step Act into law. Among the criminal justice reforms, Congress amended 18 U.S.C. § 3582(c)(1)(A)(i) to provide the sentencing judge jurisdiction to consider a defense motion for reduction of sentence based on

extraordinary and compelling reasons whenever "the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf," or after the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier. First Step Act of 2018, § 603(b), Pub. L. 115-391, 132 STAT. 5194, 5239 (Dec 21, 2018). See Attachment...

Argument

A. Parrel Green's infectious environment, African American's susceptibility to the virus along with the Obesity level constitutes An Extraordinary AND Compelling reasons that warrants A sentence Reduction.

During the Covid-19 pandemic, Seago, TX Federal Correctional Institution experienced the worst outbreak in the entire Federal Bureau of Prisons. The Central reasons were as follows, the staff at this Federal Institution along with the Administration failed drastically to implement a Comprehensive prevention plan to curtail the transmission of this harmful pathogen.

First of all, where this administration failed miserably at is not following the exact protocol of the CDC guidelines of testing and screening this staff on a day to day basis. As a result, the staff here were exposed to the outside daily interactions with the contagious ambience of their communities. that ultimately led to permeation of the Corona virus here at this facility.

Second of all, in order to ensure our health and wellness this administration failure to follow through properly on the CDC guidelines on social distancing decided arbitrarily to keep all the prisoners corralled in close contact when it was confirmed by this administration that there were ~~many~~ confirmed cases.

Thirdly, this administration also subjected all the prisoners

to becoming more at risk due to the cross contamination of the mobilization of prisoners. Such as, once each individual had taken their Covid-19 Examination test the people who were deemed "Negative" were placed in a Negative Covid-19 Building. But on the other hand, those individuals who tested positive or who cases were "Pending" got entangled in the same building which caused dire consequences to follow. Meaning, myriad underline symptoms, coupled with fatality.

With the enactment of the First STEP Act, the authority shifts to this Court to decide whether the undisputed Extraordinary and Compelling reasons warrant a sentence reduction in this case without deference to any administration agency.

B. The Conditions of Supervised Release should be modified to Accommodate the Reasons for the Sentencing Reduction.

Darrel Green has formulated a solid release plans to address how his needs will be met. Which are, He plans on changing his current location to Oklahoma with his common law wife joined by his two kids and grandchild to help get acclimated back into society. Also he intends on registering for Barbera school to pursue his career of cutting hair. Accordingly, if the Court grants this motion, I would ask the Court to impose [condition(s)] as an added condition of Supervised release.

Conclusion

For the foregoing reasons, Darrel Green respectfully request that the Court grant reduction in sentence to time served and Amend the conditions of supervised release as requested.

Respectfully Submitted this 11th day of November 2020.

Darrel Green
92035-080

TRULINCS 92035080 - GREEN, DARRELL SHAMARR - Unit: SEA-B-A

FROM: Warden
TO: 92035080
SUBJECT: RE:***Inmate to Staff Message***
DATE: 07/11/2020 12:37:02 PM

Upon review, you were reviewed for home confinement per the Attorney General memos dated March 26 and April 3. Due to your Low risk Pattern score and percentage of time served you are not being considered for priority placement at this time.

>>> ~^!"GREEN, ~^!DARRELL SHAMARR" <92035080@inmatemessage.com> 7/10/2020 2:16 PM >>>

To:
Inmate Work Assignment: barber

Im asking if im being considered for the home confinement due to the outbreak if not my congressman asked if i could be given in full deatil the reason if denied so i can pursue my freedom we have the second highest outbreak in the bop and im a black man in a high risk area in Dallas and its clear its not under control i have residence in another state thank you

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April 3.

7/10/2020 2:16 PM

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Name Darrel Green
Reg. No. 92035-080
FEDERAL CORRECTIONAL INSTITUTION
P.O. Box 9000
Seagoville, TX 75159-9000

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